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Filing date: **06/29/2011**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91150278
Party	Plaintiff Wal-Mart Stores, Inc.
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Date	06/29/2011
Attachments	Status Update.pdf ( 5 pages )(99975 bytes )

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

	x
	:
WALMART STORES, INC.,	:
	:
Opposer,	: Opposition No. 91/150,278
	: Opposition No. 91/154,632
	:
v.	:
	:
FRANKLIN LOUFRANI,	: Serial No. 75/302,439
	: Serial No. 75/977,376
	:
Applicant.	:
	:
FRANKLIN LOUFRANI,	:
	:
Opposer,	: Opposition No. 91/152,145
	:
v.	:
	:
WALMART STORES, INC.,	: Serial No. 76/320,901
	: Reg. No. 3,649,099
	:
Applicant.	:
	:
	:
	x

**STATUS UPDATE AS TO THE APPEAL OF THIS CASE**

Wal-Mart Stores, Inc. respectfully submits this status update to inform the Trademark Trial and Appeal Board (the “Board”) of the status of the civil action in the United States District Court for the Northern District of Illinois, *Franklin Loufrani and The Smiley Company SPRL v. Wal-Mart Stores, Inc.*, Case No. 09-CV-03062, in which the Board’s March 20, 2009 final decision was appealed.

On or about June 15, 2011, the parties to the above-referenced civil action reached a settlement. Accordingly, the civil action *Franklin Loufrani and The Smiley Company SPRL v. Wal-Mart Stores, Inc.*, Case No. 09-CV-03062, has been dismissed with prejudice. (See Exhibit

A attached hereto, a copy of the Notification of Docket Entry made on June 21, 2011 evidencing the order of dismissal and termination of civil case.)

In view of the foregoing, the matter is concluded and the Board determination to issue a registration pursuant to Wal-Mart Stores, Inc.'s Trademark Application Ser. No. 76/320,901, Reg. No. 3,649,099, is no longer the subject of a challenge by former Opposer, Franklin Loufrani.

Dated: June 29, 2011

Respectfully submitted,

WAL-MART STORES, INC.

By: /s/ Gary J. Rinkerman  
Gary J. Rinkerman  
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**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing STATUS UPDATE AS TO THE APPEAL OF THIS CASE was served on counsel for Franklin Loufrani by First Class Mail on the 29th day of June 2011, at the following address of record:

Steven L. Baron  
Mandell Menkes LLC  
333 West Wacker Drive, Suite 300  
Chicago, IL 60606

A handwritten signature in black ink, appearing to read 'Steven L. Baron', is written over a horizontal line.

# **Exhibit A**

**UNITED STATES DISTRICT COURT  
FOR THE Northern District of Illinois – CM/ECF LIVE, Ver 4.2  
Eastern Division**

Franklin Loufrani, et al.

Plaintiff,

v.

Case No.: 1:09-cv-03062

Honorable Sharon Johnson Coleman

Wal-Mart Stores Inc.

Defendant.

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**NOTIFICATION OF DOCKET ENTRY**

This docket entry was made by the Clerk on Tuesday, June 21, 2011:

MINUTE entry before Honorable Sharon Johnson Coleman: Pursuant to parties' stipulation and order of dismissal [89], the case is hereby dismissed with prejudice. Civil case terminated. Mailed notice(keg, )

**ATTENTION:** This notice is being sent pursuant to Rule 77(d) of the Federal Rules of Civil Procedure or Rule 49(c) of the Federal Rules of Criminal Procedure. It was generated by CM/ECF, the automated docketing system used to maintain the civil and criminal dockets of this District. If a minute order or other document is enclosed, please refer to it for additional information.

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